Court No.2.

Writ Petition No. 464 of 2003 (M/B)

Parvez ……. petitioner

Vs.

State of Uttaranchal and others ……. Respondent

Hon. P.C. Verma, A.C.J.
Hon. Irshad Hussain, J.

Heard Sri Navneet Kaushik, learned counsel for the petitioner and learned Government Advocate.

This writ petition has been filed seeking a writ of certiorari to quash the first infromation report dated 14.5.2003 in case crime no. 36/2003 U/s 498A and ¾ of the Dowry Prohibition Act, P. S. Jhabrera, District Haridwar.

We have summoned the copy of general diary and medical report, which are produced by the learned G.A. The same are kept on record.

We have perused the F.I.R. as well as copy of the case diary and medical report of the victim, which is given by the Medical Officer, Civil Dispensary, Jhabrera, Distt. Haridwar on the date of occurrence. The medical report is reproduced as under:

" 1. Incised wound 3.5 X 1 cm. X muscle deep on lateral and upper part of the left upper arm 16 cm. Below the tip of shoulders.
2. Traumatic swelling 3.2 x 3 cm. on calf area of the right leg.
3. Complain of pain in back due to slaps and kicks in right side.
4. Patient has alleged that she was oppressed with a rope around his neck only a faint mark is seen."

In the opinion of the medical officer, injury no. 1 is caused by sharp edged weapon and injury no.2 was caused by blunt weapon. All the injuries were simple and duration was fresh.

In view of the above, we find tha the cognizable offence is clearly disclosed against the petitioner. Therefore, we are not inclined to enttertain the petition.

The petition is dismissed accordingly.

(P.C. Verma, A.C.J.) (Irshad hussain, J.)

Dt. 02.6.2003
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